

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND VIRGINIA

In Re:

CIRCUIT CITY STORES, INC.,
et al.,

Debtors,

X

RICHMOND DIVISION	
FILED	JUL 15 2010
CLERK U.S. BANKRUPTCY COURT	

Chapter 11 Case No. 08-35653 (KRH)

**RESPONSE TO DEBTOR'S
SEVENTY-NINTH OMNIBUS
OBJECTIONS TO CLAIMS
(DISALLOWANCE OF
CERTAIN LEGAL CLAIMS)**

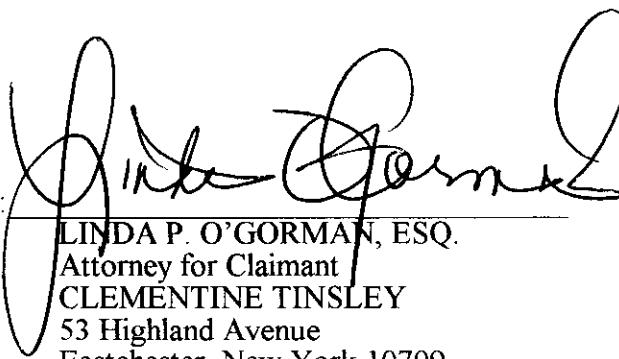
X

1. Claimants name is CLEMENTINE TINSLEY, Claim #4272 in the stated amount of \$250,000.00, for a cause of action for a fractured left shoulder, pain, suffering and personal injury arising out of an accident on November 6, 2008 at the Circuit City – Atlantic Mall location in Brooklyn, New York. (Docketed Debtor 08-35653 – Date filed 1/19/09).
2. LINDA P. O'GORMAN, ESQ., an attorney duly admitted to practice law in the State of New York, with an office address of 53 Highland Avenue, Eastchester, New York 10709, telephone number 914-771-6399, submits the following statement of facts and reasons why the stated objection of "no liability" to the claimant's claim should be overruled:
3. I have personal knowledge of the facts of this case based upon the materials contained within my file. On November 6, 2008, the claimant was caused to sustain serious personal injuries to her left shoulder as a result of the active negligence of the defendant-debtor Circuit City. At approximately 4:30 on that day, the defendant-debtor had placed mats on top of electrical wires running across a carpeted display area within their store. Said mats were not secured to the ground, and became dislodged, loose, and curled---creating a tripping hazard for patrons of the store. The defendant-debtor was actively negligent in causing and creating this dangerous condition, and therefore cannot claim lack of notice. Clearly, the defendant-debtor owed a duty to its patrons to keep their store in reasonably safe condition.

4. A copy of photographs showing the mats in question (after they had been readjusted) is annexed as Exhibit "1" hereto.
5. A copy of an affidavit from Dennis Bowser (an eyewitness to the occurrence) is annexed hereto as Exhibit "2."
6. The address, phone number, fax number, and e-mail address of the person to whom the Debtors should reply to this Response, and the contact information for all additional papers relating to this claim, including reconciliation, adjustment, and settlement, is as follows:

LINDA P. O'GORMAN, ESQ.
Attorney for Claimant
CLEMENTINE TINSLEY
53 Highland Avenue
Eastchester, New York 10709
Tel. & Fax No. (914) 771-6399

Dated: Eastchester, New York
July 14, 2010

By: 

LINDA P. O'GORMAN, ESQ.
Attorney for Claimant
CLEMENTINE TINSLEY
53 Highland Avenue
Eastchester, New York 10709
Tel. & Fax No. (914) 771-6399

TO: SKADDEN, ARPS, SLATE, MEAGHER
& FLOM, LLP
One Rodney Square
P.O. Box 636
Wilmington, Delaware 19899
Attn: Greg M. Galardi
Ian S. Fredericks

**SKADDEN, ARPS, SLATE, MEAGHER
& FLOM, LLP**
155 North Wacker Drive
Chicago, Illinois 60606
Attn: Chris L. Dickerson

MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219
Attn: Douglas M. Foley
Attn: Sarah B. Boehm

Counsel to the Debtors and
Debtors in Possession

lpf
/claim.bankruptcy

EXHIBIT “1”

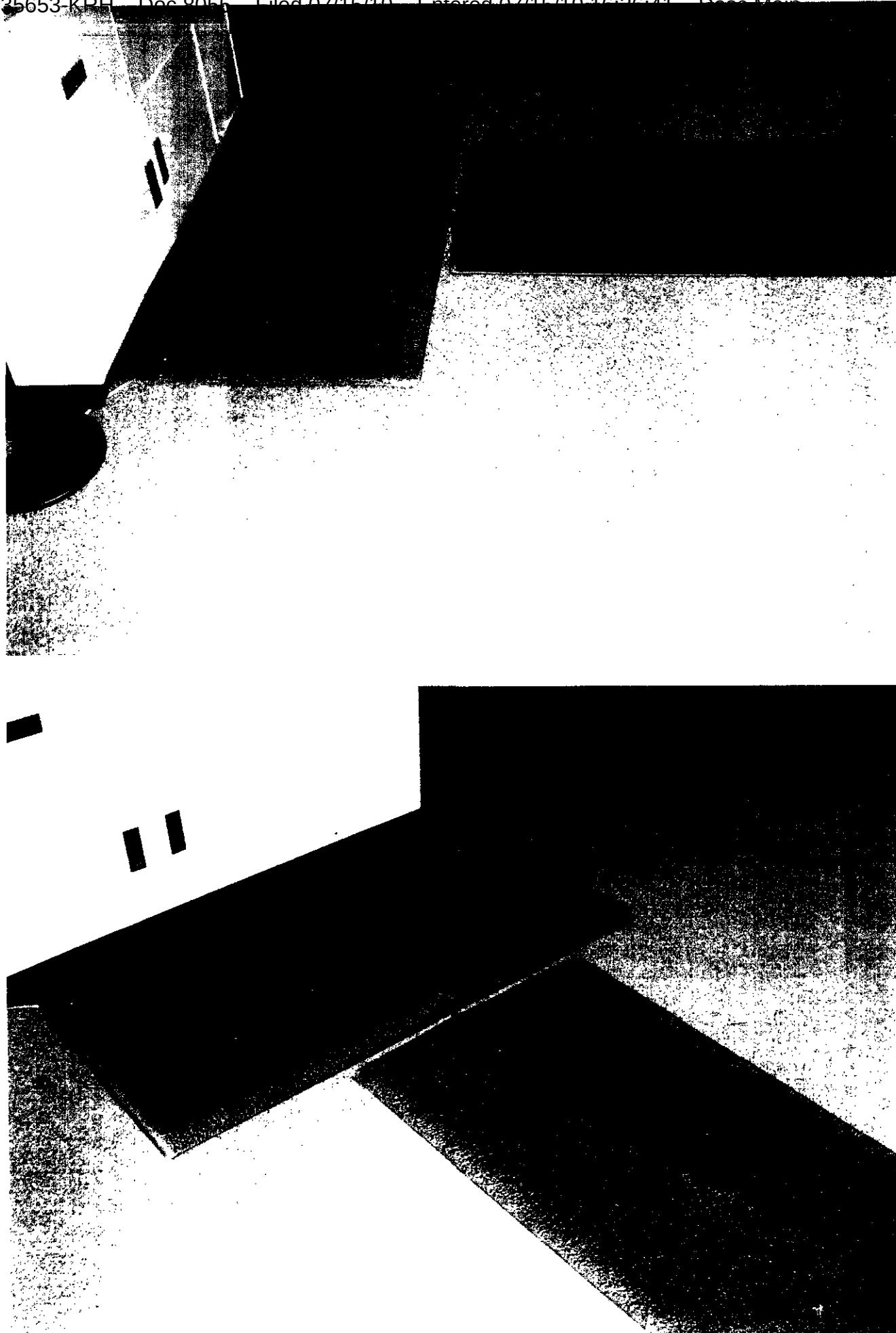




EXHIBIT “2”

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND VIRGINIA

-----X
In Re: Chapter 11
CIRCUIT CITY STORES, INC., Case No. 08-35653 (KRH)
et al.,
Debtors, **AFFIDAVIT
OF WITNESS**

DENNIS BOWSER, being duly sworn, deposes and says:

1. I reside at 444 Midwood Street, Brooklyn, New York, and was an eyewitness to the accident involving CLEMENTINE TINSLEY on November 6, 2008 at the Circuit City Store located at the Atlantic Mall in Brooklyn, New York.

2. At approximately 4:30 p.m. on that day, I observed MS. TINSLEY walk around a fixture that was located near an audio visual display. Electrical wires of some type had been run from under or around the fixture towards the electronic equipment. Gray mats had been placed on the floor to cover the wires, but they were not secured to the ground by any kind of tape or other method.

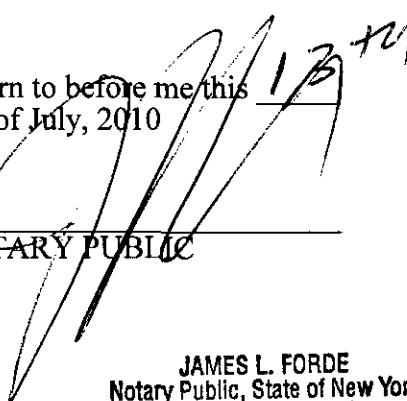
3. As MS. TINSLEY walked around the fixture, the mats had already been dislodged and one of them curled up, creating a tripping hazard. MS. TINSLEY caught her foot on the raised portion of the dislodged mat, and fell hard to the ground on her shoulder.

4. A person from the store came and took a report of the incident.

5. It was clear to me that the store was negligent in the way they placed the mats and failing to secure them or keep them from shifting around.


DENNIS BOWSER

Sworn to before me this
day of July, 2010


NOTARY PUBLIC

JAMES L. FORDE
Notary Public, State of New York
No. 02F06100274
Qualified in Westchester County
Commission Expires Oct. 14, 20 

lpf
/bowser.affid

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND VIRGINIA**

-----X

In Re:

CIRCUIT CITY STORES, INC.,
et al.,

**RESPONSE TO DEBTOR'S
Debtors.**

Chapter 11

Case No. 08-35653 (KRH)

AFFIDAVIT OF SERVICE

**SEVENTY-NINTH OMNIBUS
OBJECTIONS TO CLAIMS
(DISALLOWANCE OF
CERTAIN LEGAL CLAIMS)**

-----X

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.

LINDA P. O'GORMAN, being duly sworn, deposes and says:

I am not a party to this action, am over 18 years of age and resides at Eastchester, New York.

On July 14, 2010 I served the within RESPONSE TO DEBTOR'S SEVENTY-NINTH OMNIBUS OBJECTIONS TO CLAIMS (DISALLOWANCE OF CERTAIN LEGAL CLAIMS) and AFFIDAVIT OF WITNESS DENNIS BOWSER upon:

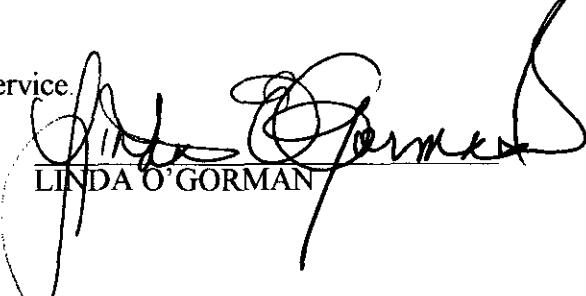
SKADDEN, ARPS, SLATE, MEAGHER
& FLOM, LLP
One Rodney Square
P.O. Box 636
Wilmington, Delaware 19899
Attn: Greg M. Galardi
Ian S. Fredericks

SKADDEN, ARPS, SLATE, MEAGHER
& FLOM, LLP
155 North Wacker Drive
Chicago, Illinois 60606
Attn: Chris L. Dickerson

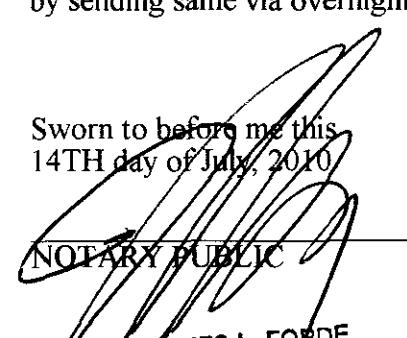
MCGUIREWOODS LLP
One James Center
901 E. Cary Street
Richmond, Virginia 23219
Attn: Douglas M. Foley
Attn: Sarah B. Boehm

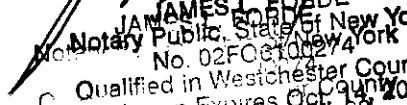
Counsel to the Debtors and
Debtors in Possession

by sending same via overnight mail, U.S. Postal Service


LINDA O'GORMAN

Sworn to before me this
14TH day of July, 2010


NOTARY PUBLIC


JAMES L. FOBDE
Notary Public, State of New York
No. 02FOC104274 New York
Qualified in Westchester County
Commission Expires Oct 14, 2011

LINDA P. O'GORMAN, ESQ.
53 Highland Avenue
Eastchester, New York 10709
Tel. & Fax No. (914) 771-6399

July 14, 2010

**VIA OVERNIGHT MAIL,
U.S. POSTAL SERVICE**

Clerk of the Bankruptcy Court
United States Bankruptcy Court
701 East Broad Street, Room 4000
Richmond, Virginia 23219

Re: Court Case No.: 08-35653(KRH)
CIRCUIT CITY STORES, INC.
Client/Claimant: Clementine Tinsley
Claim No. 4272

Dear Sir/Madam:

Be advised that this office represents Clementine Tinsley who sustained personal injuries in an accident which occurred on Circuit City premises on November 6, 2008. Said accident occurred in a Circuit City store located at the Atlantic Mall, 625 Atlantic Avenue, Brooklyn, New York.

Enclosed herewith please find the above Claimant's Response to Debtor's Seventy-Ninth Omnibus Objection to Claims (Disallowance of Certain Legal Claims) along with the Affidavit of Eyewitness Dennis Bowser. In addition, I am also enclosing a copy of the first page to the Claimant's Response and a self-address, stamped envelope so that you may send me back a date stamped copy.

Please forward all future correspondence and/or documents regarding this matter directly to the undersigned. Thank you for your anticipated attention to this matter.

Very truly yours,

Linda P. O'Gorman

lpf
enclosures
/bankCourt.7-10ltr